

# EXHIBIT E

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable James Donato, Judge

IN RE: PG&E CORPORATION and )  
PACIFIC GAS AND ELECTRIC )  
COMPANY, )  
 )  
Debtors. ) NO. 19-05257 JD  
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San Francisco, California  
Monday, October 28, 2019

**TRANSCRIPT OF PROCEEDINGS**

**APPEARANCES:**

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Official Reporter

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Monday - October 28, 2019

1:00 p.m.

P R O C E E D I N G S

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**THE CLERK:** Calling Civil 19-5257, In Re: PG&E Corporation and Pacific Gas & Electric Company.

Counsel, please state your appearances for the record.

**MS. MORRIS:** Kimberly Morris --

**THE CLERK:** Please come forward to the microphones, thank you.

**MS. MORRIS:** Kimberly Morris of Baker Hostetler on behalf of the Official Committee of Tort Claimants.

**MR. McCALLEN:** Good afternoon, Your Honor, Benjamin McCallen, Willkie Farr & Gallagher on behalf of the Ad Hoc Subrogation Group.

**MR. BAGHDADI:** Good afternoon, Your Honor, Khaldoun Baghdadi, co-liaison counsel in the State court JCCP proceedings. And with me in court is also Mr. Steven Skikos, also co-liaison in the same proceedings.

**MR. ORSINI:** Good afternoon, Your Honor, Kevin Orsini, Cravath, Swaine & Moore, on behalf of debtors. Also here with me is my partner, Tim Cameron, who will handle a significant portion of the argument today.

**THE COURT:** I'm sorry.

**MR. ORSINI:** He will handle a significant portion of the discussion today. I just have some preliminary remarks and

1 then I will cede the podium.

2 **THE COURT:** Well, let's see. Who is going to  
3 represent the Plaintiffs' side?

4 **MS. MORRIS:** I will, Your Honor.

5 **THE COURT:** Ms. Morris, okay. All right. Go ahead.

6 **MR. ORSINI:** So, Your Honor, I thought just at the  
7 outset -- and then I will cede the podium -- I just wanted to  
8 give the Court an update on a couple of the issues we discussed  
9 when we were here last week, where we stand with respect to  
10 claims coming in and the Bar Date because I do think it is  
11 relevant to the question of sampling.

12 We have been pleased to see that there has been a  
13 significant increase as we have processing -- been processing  
14 the claims above the participation rates that we were initially  
15 seeing.

16 Just to give the Court a sense as to where we are right  
17 now, as of October 21st, which was the Bar Date, there were  
18 approximately 45,000 claims related to the wildfires that have  
19 been processed by the vendor who is taking all these in under  
20 the Bankruptcy Court order. There is approximately 20- to  
21 25,000 claims that were submitted in paper that are still being  
22 processed. So we don't quite know what is in those yet. We  
23 just know they exist. So our expectation is we will wind up  
24 with somewhere in the range of 70,000 to 80,000 wildfire  
25 claims. Now, that --

1           **THE COURT:** Well, that sounds good but out of how  
2 many --

3           **MR. ORSINI:** Well, that begs the question, right, what  
4 percentage participation is that? And there are different ways  
5 to look at that because -- as I think Mr. Singleton was noting  
6 when he was here last week -- there are some duplicates. There  
7 are also circumstances where -- let's say that I had owned a  
8 piece of property in the Town of Paradise, and I had a house  
9 that burned down and I lived there with my wife and my child,  
10 in some instances we will have three claims associated with  
11 that piece of property.

12           So I think what all sides have been undertaking including  
13 to prepare for estimation is to try and make heads or tails of  
14 what we actually have in terms of participation. One way to  
15 look at it is to try to map all of the claims that have come in  
16 to pieces of property that have structures that Cal Fire  
17 identified as being damaged or destroyed during the fires.

18           We still have 25,000 claims to process, but what we have  
19 seen so far -- and these are rough numbers because it is a  
20 rough analysis -- but what we have seen so far is there appear  
21 in the Camp Fire, for example, to be claims associated with  
22 roughly 70 percent of the addresses that Cal Fire identified as  
23 having a damaged or destroyed property.

24           Now, I expect that number will go up as we process the  
25 rest of the claims. I don't know by how much. Another way to

1 look at it is people. We have done an analysis of how many --

2 **THE COURT:** That's just for the Camp Fire?

3 **MR. ORSINI:** That was for Camp. For Tubbs we are  
4 seeing numbers that are roughly in the same range. For the  
5 non-Tubbs North Bay fires it can fluctuate based on the  
6 individual fire from a low of roughly 50 percent to one I think  
7 is closer to 80 percent.

8 In terms of people, we looked at the Town of Paradise by  
9 way of example. Prior to the fires, the census count was  
10 roughly 26,000 residents. Our rough analysis so far -- and we  
11 still haven't processed those claims I talked about -- so far  
12 we see claims by roughly 20,000 people who say they lived in  
13 the Town of Paradise prior to the Camp Fire. So high  
14 70 percent.

15 With all that in mind, we do agree with the Court that we  
16 would like as many Claimants who have valid claims in their  
17 mind to submit claims in time. So we considered the issue  
18 further. We notified the TCC this morning that we are amenable  
19 to an extension of the Bar Date by two months to bring it from  
20 October 21st to December 20th, which I think is the Friday. We  
21 considered going longer.

22 The reason, candidly, we stuck with December 20th as a  
23 proposal is we think that will already challenge our ability to  
24 incorporate all of the data into the estimation process given  
25 our schedule, but we have a lot of professionals. We can make



1 it happen. Our concern is if you push it out too much further  
2 than that, it will challenge our ability for the experts to get  
3 that processed in time so that it can be included in rebuttal  
4 reports, in depositions, so each side has an opportunity to  
5 consider that.

6 Of course, if claims come in after December 20th Bar  
7 Date -- just like if claims have come in since October 21st --  
8 we will consider those, and I can represent to the Court that  
9 from the Debtors' perspective, we will be very open to allowing  
10 those untimely claims. We don't intend to use the Bar Date  
11 and --

12 **THE COURT:** Let me just pause. So, Ms. Morris, 12/20,  
13 does that sound better? Is everybody happy with that on  
14 Plaintiffs' side?

15 **MS. MORRIS:** Your Honor, we just received this  
16 position of the Debtors just before this hearing today. And so  
17 we are still processing it internally. We are happy to hear  
18 that they are open to some extension, but we will discuss it on  
19 our side; and I believe we are meeting and conferring on this  
20 right after this hearing today.

21 **MR. ORSINI:** Including to work out the logistics, Your  
22 Honor.

23 **THE COURT:** It is good news, right?

24 **MS. MORRIS:** Yes, it is good news that they are  
25 agreeing to an extension. Our Bar Date motion had sought two

1 alternative dates for a Bar Date, and I think we are going to  
2 discuss all of the issues including --

3 **THE COURT:** Which dates did you propose?

4 **MS. MORRIS:** I believe the date was an alternative  
5 date was the December 20th date, which they have agreed to, and  
6 I believe the first date that we had asked for was a January  
7 date; but I would have to go back and look at that.

8 **THE COURT:** And there -- if you two agree, then  
9 bankruptcy court is not going to have a problem with that as  
10 far as you know.

11 **MR. ORSINI:** We wouldn't expect the Court would have a  
12 problem with that. That is part of the reason we will meet and  
13 confer. We have a motion that is calendared up for a hearing  
14 in mid-November, I believe; but hopefully we can stipulate to  
15 this.

16 **THE COURT:** It sounds like at a minimum it would be  
17 December 20th. You all may ask for something longer. I take  
18 it your next date is down the road from December 20th. But  
19 that's good news. Okay. I'm happy to hear that. I hope the  
20 percentage rate is as high as 70 as a base and will only go up.  
21 Time will tell.

22 I understand, Mr. Orsini, what you are saying; but I think  
23 we ought to be able to do 90 percent or more. That should be  
24 realistic in a case like this. So I hope we get to that point,  
25 and I think the extension of the deadline is going to help with

1 that.

2 Now, what about the new fires? What are we thinking about  
3 in terms of estimation impact, Ms. Morris?

4 **MR. ORSINI:** So with respect to --

5 **THE COURT:** Let me start with Ms. Morris.

6 **MS. MORRIS:** Your Honor, the treatment of the claims  
7 that have arisen in connection with the Kincade and the other  
8 fires from this weekend, claims that have already arisen or  
9 that may arise in connection with those fires, their treatment  
10 of the bankruptcy process, we need to confer with the various  
11 constituents in the bankruptcy on that; the debtors, the UCC,  
12 all the constituents in the case. And so we intend to do that  
13 and report back to Your Honor as to its effect on estimation  
14 after we have had a chance to do that.

15 **THE COURT:** But the more -- the baseline proposition  
16 is that -- are you going to ask for that to be included in the  
17 estimation?

18 **MS. MORRIS:** I think there are a number of issues that  
19 affect the bankruptcy case as a whole. We are not prepared to  
20 address that issue today. It is under consideration, and we  
21 will address it with all the parties and then come back to  
22 Your Honor when we are prepared to address it after we have a  
23 chance to consider it.

24 **THE COURT:** Mr. Orsini?

25 **MR. ORSINI:** We too are in the process of assessing